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Promotion and protection of human rights: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting, held at Geneva on 21 and 22 June 2007, pursuant to General Assembly resolution 57/202 of 18 December 2002.

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Report of the chairpersons of the human rights treaty bodies on their nineteenth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report of the nineteenth meeting of chairpersons of human rights treaty bodies, which was convened in Geneva on 21 and 22 June 2007, pursuant to Assembly resolution 49/178 of 23 December 1994. The chairpersons considered follow-up to the recommendations of the eighteenth meeting and reviewed developments relating to the work of the treaty bodies. They also discussed reform of the treaty body system, including harmonization of working methods, and the universal periodic review mechanism of the Human Rights Council. They met with representatives of States parties and with the President of the Human Rights Council. The ninth joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council was also held. The chairpersons adopted recommendations, which are contained in section VI of the present report. The report of the sixth inter-committee meeting of human rights treaty bodies (Geneva, 18-20 June 2007), which was considered by the chairpersons, is annexed to the report.

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I. Introduction

1. The nineteenth meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the High Commissioner for Human Rights in Geneva, on 21 and 22 June 2007. The meeting was immediately preceded by the sixth inter-committee meeting, held from 18 to 20 June 2007.

II. Organization of the meeting

2. The following chairpersons of human rights treaty bodies attended: the Chairperson of the Committee on Economic, Social and Cultural Rights, Philippe Texier; the Chairperson of the Committee on the Elimination of Racial Discrimination, Régis de Gouttes; the Chairperson of the Committee on the Elimination of Discrimination against Women, Dubravka Simonovic; the Chairperson of the Committee against Torture, Andreas Mavrommatis; the Chairperson of the Human Rights Committee, Rafael Rivas Posada; the Chairperson of the Committee on the Protection of Migrant Workers and Their Families, Prasad Kariyawasam; and the Chairperson of Committee on the Rights of the Child, Yanghee Lee. Vice-Chairperson of the Subcommittee on Prevention of Torture, Victor Rodriquez Rescia, represented the Chairperson of the Subcommittee.

3. The Chairperson of the Committee on Economic, Social and Cultural Rights was affirmed as Chairperson-Rapporteur. The Chairperson of the Committee on the Elimination of Racial Discrimination was affirmed as Vice-Chairperson. The chairpersons adopted the agenda (HRI/MC/2007/1) and the proposed programme of work.

4. The chairpersons voiced their concern at the delay in the processing of documentation for the treaty bodies and requested the Chairperson-Rapporteur to address a letter to the Conference Services Division at the United Nations Office at Geneva on this matter.

5. The Chairman of the Human Rights Committee noted that he supported the reservation expressed by representatives of his Committee with respect to point (iv) of the points of agreement of the sixth inter-committee meeting (see annex, para. 17).

III. Meeting with the President of the Human Rights Council

6. The outgoing President of the Human Rights Council provided an update to the chairpersons on the recent achievements of the Council, including the adoption of resolution 5/1 on institution-building.

7. He referred, inter alia, to the universal periodic review mechanism, which would be based on information provided by the State as well as information from various sources, including treaty bodies, to be compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The review would be conducted by a working group, with a troika of rapporteurs preparing a report, and involve interactive dialogue with the State concerned. The outcome of the review would consist in an assessment of the human rights situation in the reviewed State in the form of a report containing recommendations and/or conclusions adopted by the

plenary of the Council and to be implemented by the State concerned, with a possible follow-up mechanism.

8. The chairpersons welcomed the adoption of resolution 5/1 and expressed the view that the future universal periodic review would present opportunities and challenges for the treaty bodies, but that the two systems were complementary and mutually reinforcing, as treaty bodies were exclusively an independent legal mechanism. The chairpersons noted the fact that the work of the treaty bodies would be an element for the review and highlighted the specific importance of concluding observations in that regard. However, as discrepancies between the two mechanisms could be a concern, continuing and effective dialogue with the Council should be established.

IV. Ninth joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

9. On 21 June, the chairpersons met with the mandate holders of the special procedures of the Human Rights Council. The meeting was co-chaired by the Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the Chairperson of the Committee on Economic, Social and Cultural Rights.

10. The facilitator of the discussions on the universal periodic review mechanism briefed the meeting on the outcome of the discussions. He noted that the mechanism should be considered a major step forward in the human rights work of the United Nations. It was the main feature that distinguished the Human Rights Council from the former Commission on Human Rights. It was aimed at ending selectivity in the human rights field and at treating all States on an equal footing. There would be no duplication, but complementarity between the review and the work of treaty bodies and special procedures mandate holders.

11. In their discussion of the role of the treaty bodies and special procedures in the context of the universal periodic review, the participants recalled that their participation in the process was not explicitly a formal one. However, in its final agreement on institution-building, the Council stated that the review would, inter alia, be based on information contained in the reports of treaty bodies and special procedures and that relevant information would be compiled in a single document not to exceed 10 pages in length. Input into such compilations would require further reflection by the treaty bodies and special procedures. It would be important to prioritize relevant recommendations so as to ensure that the main human rights concerns in countries under consideration were appropriately reflected. It was noted that the preparation of relevant compilations and the identification of priority concerns from a broad range of available information would involve a considerable amount of work and require that OHCHR be adequately strengthened.

12. Participants expressed interest in the follow-up to the universal periodic review. The text agreed upon by the Human Rights Council indicated that the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other stakeholders.

Participants reflected on the role which mandate holders could play in the future with regard to the outcome and follow-up of the mechanism.

13. Special procedures mandate holders and treaty body chairpersons stressed the importance of maintaining their autonomy in their interaction with the universal periodic review. Ways and means to manage conflicts and divergences that might arise with regard to the findings of the special procedures mandate holders and treaty bodies and the conclusions of the review should be considered.

14. It was agreed that interaction with the universal periodic review would pose challenges, but also create opportunities. It was also expected to result in closer cooperation between the treaty bodies and special procedure mandate holders, as the approach to the review mechanism and country-specific input would need to be coordinated frequently.

V. Informal consultations with States parties

15. At the nineteenth meeting of chairpersons on 21 June, informal consultations were held with representatives of States parties; approximately 75 States participated. The chairpersons expressed their appreciation for the meeting with States parties. They briefed the representatives on recent developments in their respective committees and noted a number of innovative approaches towards the harmonization of working methods and the improvement of the treaty body system as a whole. The Committee on the Elimination of Discrimination against Women hoped to be able to continue with an additional third annual session in 2008-2009 and possibly continue its work in parallel chambers. Noting its broad and varied mandate and its growing workload, the Committee against Torture flagged the need for additional meeting time and/or an increase in its membership. The Committee on Economic, Social and Cultural Rights noted that its main problem was the lack of an individual complaints mechanism and referred to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee on the Rights of the Child supported the possible future appointment of a special representative on violence against children. Other specific issues raised included the possible flexible application of reporting periodicity, the approach to reservations and the possibility of issuing joint general comments/recommendations, including a possible joint general comment of the Committee on Migrant Workers and the Committee on the Elimination of Discrimination against Women on female migrant workers.

16. States welcomed the opportunity to engage in consultations with the chairpersons, noted that the informal consultations provided a platform for dialogue and interaction and reiterated their support for the work of the treaty bodies. Several States commended the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas for harmonization. Among such measures were the review procedure (consideration of the human rights situation in a country in the absence of a State party report) and follow-up procedures.

17. States agreed that there was room for improvement and supported further harmonization and coordination of the working methods of the treaty bodies, including in the examination of reports and follow-up procedures, which would make the system more comprehensible and accessible. Several States made

reference to point (ii) in the points of agreement of the sixth inter-committee meeting, recommending that the meeting be convened twice annually to, inter alia, make recommendations for the improvement and harmonization of the treaty body working methods. The recommendation was generally well received by the States parties present.

18. A number of States reiterated their concern at the proposal for a unified standing treaty body as contained in the report on the proposal of the High Commissioner (HRI/MC/2006/2). They noted that discussions should focus on harmonization of working methods, including the alternative proposals put forward by a number of treaty bodies, and called for an inclusive process of consultation, which would involve all relevant stakeholders, including treaty body members, to discuss all proposals in the context of treaty body reform.

19. States generally supported efforts undertaken by the treaty bodies to streamline their various reporting requirements, including the acceptance by participants in the fifth inter-committee meeting of the revised harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.4). Some States noted with appreciation point (vi) of the points of agreement of the sixth inter-committee meeting, in which meeting participants requested the Secretariat to address a note verbale to all Permanent Missions in Geneva, recommending that the approved guidelines be used by States parties when submitting a report to the treaty bodies. It was noted that the envisaged briefings to States parties on the guidelines would be very helpful.

20. The chairpersons highlighted that the approved guidelines could simplify, target and streamline reporting, given that a range of general questions applicable to all treaty bodies would now be included in the common core document. Some States reported on their own experience in applying the guidelines and drafting a common core document and encouraged other States to do the same. States were generally in favour of the procedure adopted by the Committee against Torture on a trial basis, whereby a State party that replied to lists of issues and questions would be deemed to have fulfilled its periodic reporting obligations. States noted that this procedure could rationalize reporting requirements and encourage more timely reporting and suggested that other treaty bodies should adopt a similar procedure.

21. A large number of States noted that the recently adopted universal periodic review mechanism of the Human Rights Council (see resolution 5/1, annex) constituted a significant positive development in the United Nations human rights framework and that it gave rise to both opportunities and challenges. It was generally agreed that the review should not duplicate other existing mechanisms and that the Council and the treaty body system should complement and mutually reinforce each other. Some States stressed that the review should not be used as a vehicle to follow up treaty body recommendations. Other States indicated that the expertise of the treaty body members could be drawn on in the elaboration of the modalities of the review mechanism.

22. Several States underlined that the input from treaty bodies would be fundamental for the universal periodic review and that their findings and recommendations should serve as a basis for the review. They noted that the question was how to implement that in practical terms. Several noted that the treaty bodies should ensure that their recommendations were as concrete and substantive

as possible and that they touched upon the most pressing issues. One input into the review would be a compilation by OHCHR of a maximum of 10 pages of information contained in the reports of the treaty bodies, special procedures and other United Nations sources. Many States asked questions regarding the possible content of such a compilation, given the limited number of pages. Several States highlighted that they would have liked to see more visibility provided to treaty body recommendations. Given that the review would take into account, among other things, the human rights treaties to which a State is a party, some States referred to a potential significant increase in both ratifications of human rights treaties and submissions of reports to the committees and inquired if the treaty bodies were in a position to deal with such an increase in their workload.

VI. Decisions and recommendations

Adoption of the points of agreement of the inter-committee meeting

23. Participants in the nineteenth meeting of chairpersons endorsed the points of agreement concluded at the sixth inter-committee meeting held from 18 to 20 June 2007. The chairpersons called upon the human rights treaty bodies to follow up on those recommendations and to report on their implementation at the seventh inter-committee meeting in 2008.

Relationship with special procedures mandate holders

24. Participants in the nineteenth meeting of chairpersons recommended that all treaty bodies consider developing modalities for enhanced interaction with the special procedures mandate holders, including with a view to developing effective approaches to the universal periodic review mechanism, in accordance with their respective mandates, and coordinating country-specific inputs to that mechanism.

25. Participants in the nineteenth meeting of chairpersons further recommended that the Secretariat should seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings but also with respect to strengthening direct interaction, as appropriate, during sessions of the treaty bodies.

Human Rights Council

26. Participants in the nineteenth meeting of chairpersons welcomed the adoption of resolution 5/1 on institution-building of the Human Rights Council, including the universal periodic review mechanism. The chairpersons were of the opinion that the review presented both a number of opportunities and challenges. They underlined the complementary and mutually reinforcing nature of the treaty body system and the future review and emphasized the importance of a continuing dialogue on that matter. They appreciated that the findings and recommendations of treaty bodies would form part of the basis of the review and highlighted the role of the concluding observations in that regard. The chairpersons further recognized the need for developing effective cooperation between the treaty bodies and the Council.

Annex

Report of the sixth inter-committee meeting of human rights treaty bodies

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I. Introduction

1. The sixth inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva from 18 to 20 June 2007.

2. The following members of human rights treaty bodies attended:

Human Rights Committee

Abdelfattah Amor
José Luis Pérez Sánchez-Cerro

Committee on Economic, Social and Cultural Rights

Philippe Texier (Chairperson)
Waleed Sadi
Rocio Barahona Riera

Committee on the Rights of the Child

Yanghee Lee (Chairperson)
Jean Zermatten
Awich Pollar

Committee on the Elimination of Discrimination against Women

Dubravka Simonovic (Chairperson)
Pramila Patten
Glenda Simms

Committee on the Elimination of Racial Discrimination

Régis de Gouttes (Chairperson)
Linos-Alexander Sicilianos

Committee against Torture

Andreas Mavrommatis (Chairperson)
Guibril Camara
Luis Gallegos Chiriboga

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Prasad Kariyawasam (Chairperson)
Francisco Alba
Azad Taghizadet

Subcommittee on Prevention of Torture

Silvia Casale (Chairperson)
Hans Draminsky-Petersen
Victor Rodriguez Rescia

II. Opening of the meeting, election of officers and adoption of the agenda

3. A Senior Human Rights Officer, on behalf of the High Commissioner for Human Rights, welcomed all chairpersons and members present. In particular, she welcomed the members representing the Subcommittee on Prevention of Torture, established under the Optional Protocol to the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment, which had held its first session in February 2007.

4. The Officer introduced the report on the implementation of the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons (HRI/MC/2007/6), in which the efforts undertaken by the treaty bodies to further streamline their working methods and enhance their effectiveness were discussed. She highlighted the revised harmonized guidelines on reporting, which encourage States to submit information relevant to all treaties to which they are party in a common core document. She also drew attention to recent discussions with regard to the establishment of a mechanism which would coordinate efforts to harmonize the working methods of the treaty bodies and progress achieved in the consideration of the question of reservations, as well as in the validation of agreed indicators to improve the analysis of statistical information presented in the reports of States parties.

5. Philippe Texier was elected Chairperson-Rapporteur and Régis de Gouttes Vice-Chairperson. The participants adopted the agenda (HRI/ICM/2007/1), and the programme of work and welcomed the preparatory work that had been carried out by the Secretariat, including the reports and background documents provided to the meeting.

III. Strengthening the human rights treaty body system: harmonization of working methods and follow-up to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons

6. Since the fifth inter-committee meeting, the treaty bodies had continued to discuss and implement innovative approaches to harmonize working methods aimed at rendering the treaty body system more effective as a whole.

7. The Committee on the Elimination of Racial Discrimination noted that it regularly sought information from States parties on the progress made in the implementation of its recommendations. The Committee had appointed follow-up rapporteurs for that purpose. Country visits, while only conducted on an exceptional basis, could also yield good results if they were organized with the cooperation of the State party concerned. Such a visit had recently been made to Ireland, soon after that State had submitted its initial report. A follow-up rapporteur had also been appointed regarding views on individual communications. The Committee made use of an early warning procedure, in which information received from non-governmental organizations (NGOs) was essential. Fruitful interaction in that regard had been seen in respect of the rights of indigenous peoples. The Committee pointed out that it placed emphasis on good cooperation with specialized agencies and

intended to appoint a focal point for that purpose. Where special procedures were concerned, it had cooperated closely with the independent expert on minority issues. The Committee was faced with a considerable workload as a result of the large number of ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination. In order to facilitate reporting, the Committee invited States parties to follow the new harmonized guidelines on reporting. The Committee applied a review procedure by which it indicated to States whose reports were long overdue that their compliance would be considered in the absence of a report. This had often induced submission of overdue reports. Committee members believed that treaty body recommendations should be the starting point for the Human Rights Council's universal periodic review procedure, as the information gathered by the treaty bodies was of great relevance.

8. The Committee on the Rights of the Child had followed up its concluding observations through a number of country visits at the invitation of the States parties concerned, as well as regional workshops, which brought together key stakeholders. With near universal ratification of the Convention on the Rights of the Child and an increasing number of ratifications of its two optional protocols, the Committee was faced with a growing workload and had been the first treaty body to consider reports in parallel chambers. It had now also started to apply a technical review procedure, by which the Committee offered most States parties to the Optional Protocol on the involvement of children in armed conflict the opportunity of review of compliance without the presence of a delegation. Committee members emphasized the need for the treaty bodies to take into account and cross-refer to each others' recommendations, where appropriate, in order to ensure a holistic and consistent approach to human rights issues. Similarly, the Committee looked forward to establishing a strong and cooperative relationship with the Human Rights Council.

9. Members of the Committee against Torture pointed out that the Committee, with the support of the Secretariat, would continue its efforts to streamline and simplify procedures. Harmonization efforts should not require agreement on the lowest common denominator. At its thirty-eighth session, in May 2007, the Committee had decided, on a trial basis, and in order to encourage more targeted reports, to deem States parties that had replied to lists of issues and questions as having fulfilled their next reporting obligation. It was expected that that procedure, which would be available to States whose periodic reports were due in 2009, would help address non-reporting and the Committee's growing workload. The procedure would not be applied in the cases of initial reports or of countries that had already submitted reports that were pending consideration. The Committee believed that it would be important for the treaty bodies to have a dialogue with the Human Rights Council and contribute to its work, while maintaining their independence and integrity.

10. Members of the Committee on Economic, Social and Cultural Rights felt that it was important to consider how to increase the time available for dialogue with States and how to shorten the periodicity of reports, which was currently five years. The Committee considered regional workshops to be a useful tool for follow-up and that country visits, in some instances, might be useful to clear up misunderstandings. Committee members strongly felt that a complaints procedure would render the Committee more effective. On the question of working methods, Committee members explained that they could not foresee that, in the case of their Committee, the replies of States parties to lists of issues could substitute a report.

Because of the broad range of rights it covered, the Committee could only formulate meaningful lists of issues on the basis of reports received from States parties. The Committee emphasized the special importance of the contribution of NGOs in its work, including national ones. The Committee believed that the treaty bodies could contribute to the work of the Human Rights Council and that their concluding observations should be fully taken into account in the universal periodic review process.

11. The Committee on the Elimination of Discrimination against Women reported that it had benefited from an additional, third annual session in both 2006 and 2007, and hoped that this would continue in 2008 and 2009. The Committee had also had a good experience with working in parallel chambers and considered that, given the large number of States parties to the Convention and its Optional Protocol, it would be necessary to continue work in parallel chambers on a permanent basis. The Committee had invited a number of States parties whose reports were long overdue to submit their initial reports, failing which it had indicated that their compliance would be considered in the absence of a report. The Committee had recommended that States parties follow the guidelines for the common core document and had started to revise its own reporting guidelines in the light of those guidelines. A follow-up procedure existed for communications and the Committee was also considering systematic follow-up procedures for reporting. The responsibility for substantive and technical servicing of the Committee would be transferred to OHCHR in 2008, which should allow it to develop a productive relationship with the Human Rights Council. The Committee emphasized the need to maintain its relationship with the Commission on the Status of Women and establish close ties with any new gender unit to be established in New York.

12. The Human Rights Committee considered that there should be a greater degree of flexibility with regard to the periodicity of reports, depending on the types of concerns that arose, and that effective follow-up of concluding observations was of fundamental importance. It believed that all States parties should provide comprehensive initial reports and core documents, but felt that subsequent reports could be confined to replies to specific questions. In order to address the problem of late reporting, the Committee, like some other treaty bodies, had applied the procedure of considering implementation by States parties in the absence of a report. The Committee would adopt concluding observations in draft, which would be published if the States concerned failed to react. The application of this procedure had often induced States to submit reports. The Committee had long benefited from a system of rapporteurs for the follow-up of concluding observations and communications. The Committee believed that an exchange of information and views with the Human Rights Council would be important, and that concluding observations should inform the universal periodic review process. However, the Committee favoured an incremental approach to developing its relationship with the Council.

13. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regretted that the International Convention on Migrant Workers had failed to attract broad ratification and emphasized the need for a broader base of States parties. The Committee emphasized that, as a new body, it had drawn a great degree of inspiration from the exchange of views in the inter-committee meetings. It hoped that the current focus on reform and harmonization could be maintained in order to enhance the effectiveness of the treaty body system

as a whole. The Committee also stressed the importance of the ongoing work on indicators and hoped that a mutually enriching relationship with the Human Rights Council could be established, while at the same time stressing that treaty bodies should maintain their independence and remain detached to the greatest degree possible from the political aspects of the Council's work.

IV. Treaty body reform, including harmonization of working methods

14. Participants discussed the issue of treaty body reform and the working methods of treaty bodies, including coordination and possibilities for harmonization. Participants considered the reports of the working group on harmonization of working methods (HRI/MC/2007/2 and Add.1), in which the working group had recommended, inter alia, the establishment of a mechanism to strengthen the coordination and harmonization of the working methods of treaty bodies. Two alternative proposals had been put forward: a working group established for a limited period with a mandate to make recommendations to the inter-committee meeting and meeting of chairpersons on areas for harmonization; or, alternatively, a body to coordinate harmonization of working methods comprising the chairperson of each treaty body and other treaty body representatives with a role similar to that of the Coordinating Committee of Special Procedures.

15. With the exception of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, the treaty bodies did not have a formal position on either of the options put forward by the inter-committee working group on the harmonization of working methods. Participants agreed that harmonization of working methods should continue and that it should take place in full respect of treaty provisions. Participants also agreed that a mechanism to encourage harmonization of working methods was required to ensure a more coherent and integrated approach by all treaty bodies to streamlining reporting and assisting States parties. This mechanism could serve as a vehicle for information exchange and could make recommendations on specific areas where a common approach might be desirable, such as practices relating to lists of issues, targeted reporting, country rapporteurs, harmonization of treaty-specific guidelines and terminology, procedures on follow-up and of the pre-sessional working group, formulation of general comments/recommendations and the review procedures. The mechanism could also reflect on the relationship between the treaty bodies and the Human Rights Council as well as the new gender agency. Several participants noted that the mechanism should be representative and that one member from each committee was insufficient. The mechanism should not duplicate existing structures, nor should there be a multiplicity of mechanisms. The majority of participants agreed that the new body should not have a formal decision-making power.

16. Discussions led to the conclusion that there was a need to improve and possibly harmonize further the working methods of the human rights treaty bodies and to create a means to assist in that process. The meeting considered it appropriate that the inter-committee meeting, including the chairpersons of human rights treaty bodies who were ex officio members, convene twice annually. The inter-committee meeting would be assigned the task of coordinating and making recommendations for the improvement and possible harmonization of working methods of the human

rights treaty bodies. All recommendations of the inter-committee meeting would be developed in consultation and with the approval of all the treaty bodies.

17. Participants agreed to continue consultations among relevant stakeholders on issues relating to treaty body reform. Representatives of the Human Rights Committee expressed the Committee's reservation with respect to point (iv) of the points of agreement of the sixth inter-committee meeting. The Committee did not agree that all proposals should be discussed during the ongoing consultations. It was of the view that only viable proposals should be discussed, not those that did not enjoy general support.

V. Strengthening the human rights treaty body system: streamlining reporting requirements

18. A presentation on approaches to streamlined reporting using a web-based reporting-on-demand tool was provided to participants by Christoph Spenlé, an expert from the Federal Department of Foreign Affairs of Switzerland.

19. Participants welcomed the tool as a useful integrated system to assist in the preparation of reports, although several participants expressed concern about whether the system would allow information to be shared, for example with NGOs or United Nations agencies, in the phase of consultation, as well as about its flexibility with regard to statistical information and the review of periodic reports. The expert clarified those issues, stating that external access to the draft was possible during or at the end of the process, and that it eliminated overlapping information, thus making updates easier.

VI. Reservations

20. Participants discussed the report and final recommendations of the working group on reservations (HRI/MC/2007/5 and Add.1), established pursuant to a recommendation of the fourth inter-committee meeting and the seventeenth meeting of chairpersons and consisting of a representative of seven of the treaty bodies. The working group met for the second time in Geneva on 14 and 15 December 2006. Its recommendations, which had been revised in the light of comments from most treaty bodies, were provisionally adopted by the working group at its first meeting (see HRI/MC/2006/5).

21. A member of the Committee on the Elimination of Racial Discrimination reported on the meeting of a representative of seven of the treaty bodies with the International Law Commission, which was held in Geneva on 15 and 16 May 2007. He noted that the position of the Commission had evolved since 1997. Most notably, the Special Rapporteur of the International Law Commission on reservations to treaties appeared now to be of the view that treaty bodies were competent to assess the validity of reservations. The Commission had become more aware of the practice of treaty bodies in the area of reservations.

22. Participants noted with appreciation the report of the working group, including its recommendations. They recommended that the working group should be maintained and reconvened if, and when, required.

VII. Dialogue with specialized agencies, funds and programmes and other entities of the United Nations

23. The inter-committee meeting met with representatives of the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the World Bank. Representatives of these organizations expressed appreciation of the opportunity to discuss the ongoing treaty body reform and ways and means of strengthening cooperation on human rights issues, including with regard to the implementation of treaty body recommendations at the national level.

24. The representatives emphasized that they followed the ongoing reform of the treaty body system with great interest, and expressed the hope that that process would also result in enhanced interaction and cooperation between their respective organizations and the treaty bodies. UNESCO hoped that harmonization efforts would lead treaty bodies to increase their work on cross-cutting issues and to jointly formulate general comments on issues of common concern, such as the right to education, which was indispensable to the exercise of all other human rights, and the right to participate in cultural life and to benefit from scientific progress and its application. UNHCR, noting that it had agreed to play a leading role in international efforts to enhance the protection of conflict-related internally displaced persons, asked the treaty bodies to pay increased attention to that issue. UNHCR also drew attention to its fruitful cooperation with treaty bodies in the elaboration of general comments and recommendations, and hoped that the idea of drafting joint general comments among treaty bodies could be considered further. ILO noted that it had a long-standing practice of cooperation with the treaty bodies and of providing written input to the treaty bodies on issues related to labour rights. It also aimed to draw lessons from developments within the treaty body system, as it was keen to ensure that the broad spectrum of the United Nations human rights experience enriched its work.

25. WHO emphasized that it was regularly involved in the work of the treaty bodies, both before and during their sessions, including in particular the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. WHO welcomed the shift of focus from creating a unified treaty body to efforts aimed at harmonizing the existing system. It stressed the importance of ensuring that concluding observations adopted by the treaty bodies were sufficiently concrete, and of using appropriate indicators to measure progress in implementation. WHO wished to continue its participation in follow-up activities, such as regional workshops and seminars. UNICEF emphasized the importance of streamlining children's rights in the work of all treaty bodies. Noting the linkage between children's rights and women's rights, UNICEF considered that the synergy between the work of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child should be utilized more fully and effectively. Drawing attention to the specific advocacy role of the latter Committee in the area of children's rights, UNICEF noted that it favoured a reform approach by which the autonomy of individual treaty bodies would be maintained.

26. The World Bank, noting that it had no formal relations with the treaty bodies, emphasized that it placed great importance on strengthening its ties with that part of

the United Nations human rights system. In particular, it hoped that it could be guided by the treaty bodies' recommendations in the consistent application of human rights standards in its own work, for instance in governance assessments. At the same time, the Bank could provide technical data relevant to human rights issues in countries under consideration and participate in the validation of indicators. The Bank hoped that appropriate modalities of interaction and cooperation could be elaborated in due course.

27. Treaty body members expressed their appreciation of representatives' suggestions aimed at strengthening the treaty body system. They also expressed gratitude for the input received from specialized agencies in connection with the reporting process and hoped that such cooperation would continue and strengthen. The Committee on Migrant Workers, which had particularly benefited from the input provided by UNHCR and ILO, hoped that strengthened cooperation could help to address certain protection gaps that migrants frequently faced. The Human Rights Committee felt that the presence of specialized agency representatives at its sessions was valuable and encouraged further cooperation in the elaboration of general comments. The Committee on the Rights of the Child drew attention to its close working relationship with UNICEF and its good cooperation with UNHCR and ILO, and expressed the hope that fruitful cooperation with the World Bank could be developed in due course. Members of several committees informed the meeting that they had appointed focal points or rapporteurs focusing specifically on interaction with specialized agencies, which had helped to advance cooperation. The Committee on the Elimination of Discrimination against Women similarly welcomed the increased focus of the World Bank on human rights and its expressed intention to enhance its cooperation with the treaty bodies. The Committee informed the meeting that it had adopted guidelines for cooperation with specialized agencies that could help them in providing targeted input but it had decided to discontinue nominating focal points for United Nations specialized agencies and other bodies as that practice had not produced results.

VIII. Dialogue with non-governmental organizations

28. Representatives of the following NGOs were present during the dialogue: Amnesty International; the Association for the Prevention of Torture; the World Organization against Torture; the International Women's Rights Action Watch; the International Women's Rights Action Watch (Asia Pacific); Minnesota Advocates for Human Rights; Friends World Committee for Consultation (Quaker United Nations Office); ARC International; and the Canadian HIV/AIDS Legal Network.

29. The NGO representatives welcomed the opportunity to interact with the members of the different treaty bodies. Their statements and comments touched upon three main issues: the reform of the treaty body system; increased cooperation and harmonization among treaty bodies; and the interaction between the treaty bodies and the Human Rights Council. In addition, NGOs noted several recent accomplishments of the treaty body system and expressed appreciation of the important contribution of the treaty bodies' work to their advocacy.

30. Among the concerns raised by the organizations were the continuing backlog of individual complaints, the lack of general publicity and awareness of the results and recommendations of the treaty body system, and the continuing challenge to

promote effective implementation of recommendations at the national level. Some NGOs also emphasized that any reform undertaken should not result in dilution of specificities afforded under the current system and that input from all stakeholders, including civil society, was an integral component of any meaningful and lasting reform. One NGO representative noted that, although the working methods of the Subcommittee on Prevention of Torture were significantly different from those of the other treaty bodies, effective cooperation between the Subcommittee and the other treaty bodies should be developed, with each paying due attention to the others' work.

31. The NGOs agreed that it was imperative to find new ways for providing input into the formulation of lists of issues, commenting on follow-up replies submitted by States parties and participating in follow-up activities. Some organizations noted with interest the procedure recently adopted by the Committee against Torture for the preparation of lists of issues prior to reporting, and considered that this could facilitate a more targeted debate, alleviate the reporting burden and prevent systematic repetition. However, they also noted that NGO participation was even more crucial for that new procedure. The point was made that communication remained one of the greatest obstacles to NGO participation, as did post-review implementation and follow-up.

32. The NGOs also referred to the universal periodic review procedure recently adopted by the Council and the agreement that OHCHR would be responsible for preparing a maximum 10-page compilation of information contained in the reports of the treaty bodies, special procedures and other United Nations sources. Some NGOs recommended that the treaty bodies should consider how their recommendations could be used in that process. They also recommended that committees should keep the review in mind when elaborating concluding observations so as to ensure that common trends were identified.

33. In the framework of enhanced coordination and cooperation between the treaty bodies several proposals were put forward. They included the harmonization of modalities for NGO participation and contributions; the convening of formal meetings between Committees and NGOs to discuss and analyse follow-up information received; increased transparency of national procedures for the selection of treaty body members; the establishment of a user-friendly master calendar with information on the timetable for all treaty bodies and deadlines for NGO contributions; the development of a "note for NGOs" on each treaty body's procedures; the integration of issues such as sexual orientation and gender identity into all aspects of the work of treaty bodies; and the development of an easily accessible treaty body extranet site with a master calendar of upcoming report consideration. It was also noted that the treaty bodies should nominate participants in the inter-committee meeting with due consideration for continuity in participation.

34. Participants congratulated the NGOs for their commitment and vital contribution to the work of the treaty bodies. They noted the need for broader representation of NGOs, including national organizations from developing countries, and they invited the Secretariat to facilitate such participation and explore the possibility of video conferences. Some participants noted that NGOs were less present than before during treaty body sessions, that they were more selective than before and that the treaty bodies received from NGOs a significant amount of

information about some countries and no information about others. In that respect, members encouraged the NGOs to change their priorities to ensure fair treatment of all countries. Some members emphasized the importance of NGO input in the context of targeted reports and reminded the organizations that they should comply with submission deadlines in order for the treaty bodies to take their contributions into due account. It was also noted that the treaty bodies were constantly seeking to improve the quality of their concluding observations, including by making them more country-specific, and that NGO input was vital in that respect. Finally, members stressed the very important role of NGOs — together with the media — in increasing the visibility of treaty body concluding observations and recommendations and ensure their implementation at the national level.

IX. Dialogue with the High Commissioner for Human Rights

35. The High Commissioner for Human Rights thanked participants for the robust and open discussion in which they had engaged with regard to her proposal for a unified standing treaty body. She encouraged the continued efforts of the treaty bodies to streamline and harmonize their procedures and work more closely together. She drew attention to the importance of the universal periodic review mechanism, which had just been agreed upon by the Human Rights Council, after delicate negotiations. She predicted that that mechanism would have a considerable impact on the work of the treaty bodies, as it would be likely to lead to an increase in treaty ratifications and reporting, and create an opportunity for the treaty bodies, through their input, to contribute to an important and innovative intergovernmental process in the human rights field.

36. Treaty body members thanked the High Commissioner for her comments and for her vision with regard to the global human rights agenda. Questions addressed to the High Commissioner focused on possible ways and means of interaction between the treaty bodies and the Council with regard to the universal periodic review process. In response, the High Commissioner noted that concrete ways of interaction would need to be mutually upon by all stakeholders. In that regard, she encouraged treaty body members to engage in early consultations, with a view to achieving synergy and complementarity between treaty body procedures and the review process.

X. Dialogue with the bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

37. The Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Jennifer Lynch of the Canadian Human Rights Commission, highlighted the role of national human rights institutions in different parts of the treaty body reporting and follow-up processes. She highlighted issues discussed by the Committee during the past year, inter alia possible closer links with the Subcommittee on Prevention of Torture and a proposed handbook for the interaction with treaty bodies. She welcomed the recent opportunities that had allowed national human rights institutions, as independent actors, to interact more directly with the treaty body system. She also welcomed the

efforts that the treaty bodies were making in order to harmonize their working methods, which could provide national human rights institutions with a consistent way of interacting with the system as a whole.

38. Frauke Seidensticker of the German Institute for Human Rights presented the conclusions of a round table on the role of national human rights institutions in the treaty body processes organized in Berlin, in November 2006, with participants from national institutions, treaty bodies and NGOs. She highlighted key recommendations of the round table and encouraged participants to use them as the basis for harmonization modalities for interaction between national institutions and the treaty bodies.

39. Participants welcomed the possibility of interacting with the Committee and underlined the importance of inputs from national human rights institutions at all stages of the treaty body processes. Participants noted that those institutions had been able to address the committees in the reporting procedures, either as part of the State party delegation or as a separate entity, but that the distinct role, function and independence of these institutions needed to be mentioned and in some cases clarified. Participants acknowledged that interaction could be further enhanced and considered the recommendations of the round table a good basis for future discussion.

XI. Discussion on business and human rights

40. The Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, indicated that he had commissioned a series of reports mapping the scope and content of States parties' responsibilities towards business activities under seven of the United Nations core human rights treaties and addressed in the work of the treaty bodies.[1]

41. The Special Representative invited participants to provide feedback on the project, which consisted of an analysis of treaty provisions and treaty body materials, including general comments, concluding observations and decisions on individual communications. He called for views on: (a) the scope and content of the duty of the State to protect vis-à-vis corporate activities; (b) whether States should regulate the acts of natural persons within offending enterprises or the enterprise itself; (c) whether the treaties required States to regulate the overseas acts of "their" corporations; (d) the nature of States' obligations regarding State-owned or -controlled companies; and (e) the nature and origin of any "business" responsibilities under the treaties.

42. Participants expressed their appreciation to the Special Representative for his work and called for closer ties with his mandate. A number of participants indicated that they had and would address the issue of business and human rights. A few pointed out that they had recommended that States should consider the impact on human rights of bilateral and multilateral trade agreements, and had focused on the importance of States protecting rights in free-trade zones.

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[1] See A/HRC/4/35, for a summary of the reports, which are available, together with other relevant documentation, from the website www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative.

43. In relation to the scope of the duty to protect, several participants noted that States had an obligation to take effective measures to ensure that all enterprises respected human rights. The point was made that the due diligence concept was understood to apply to the protection of all rights liable to abuse by private parties. There was also discussion on issues linked to the privatization of core Government services. With regard to regulation with extraterritorial effect, several participants said that their committees encouraged States to regulate corporate abuses abroad in some instances.

44. One participant proposed that a general recommendation on the topic could help further States' understanding of their obligations regarding corporate activities. The meeting encouraged the Special Representative to meet again with the treaty bodies, including individually. The Special Representative said that he welcomed that suggestion and looked forward to continuing to interact with the treaty body system.

XII. Discussion on statistical information

45. The inter-committee meeting discussed statistical information on the basis of the report on the implementation of the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons (HRI/MC/2007/6), which had been prepared at the request of the fifth inter-committee meeting.

46. Information was provided on the expert consultation organized by OHCHR in December 2006, in which members of the treaty bodies, representatives of United Nations organizations and special rapporteurs had participated and had considered proposals on illustrative indicators for selected civil, political, economic, social and cultural rights, based on the agreed conceptual and methodological framework outlined in the report on indicators for monitoring compliance with international human rights instruments (HRI/MC/2006/7). OHCHR had collaborated with United Nations organizations to validate indicators on human rights in country-level consultations at regional workshops (in Uganda and Guatemala) with relevant Government staff, national human rights institutions, United Nations country teams and NGOs. In 2007 and 2008, OHCHR would organize further country-level consultations and validation meetings, and a subregional workshop would be organized in New Delhi, in July 2007. Two expert consultations with the participation of treaty body members and experts from United Nations agencies were also being planned in order to consider proposals on indicators for additional human rights and help finalize the report to the inter-committee meeting in 2008.

47. Participants welcomed the progress made and raised questions on the conceptual framework in relation to the identification, compilation and interpretation of indicators and on the process for validating indicators at the country level. The issue of capacity-building and technical assistance for States parties was also highlighted. Identified indicators were welcomed as tools to support qualitative assessments and it was queried whether the identified indicators were universal or content- or treaty-specific. The need to work gradually, limit the number of indicators and focus at the current stage on a set of human rights relevant across treaties was pointed out. Participants underscored the need for indicators and benchmarks at the national level and welcomed the proposed organization of further briefings and consultations.

XIII. Points of agreement of the sixth inter-committee meeting

48. The sixth inter-committee meeting decided on the following points of an agreement, to be transmitted to the nineteenth meeting of chairpersons:

Inter-committee meeting

(i) The sixth inter-committee meeting reiterated the view expressed by many, including States parties, that the inter-committee meeting provided a useful forum for discussing matters of mutual concern and strengthening coordination among the treaty bodies, and recommended that the General Assembly consider the possibility of convening such meetings on a regular basis.

(ii) Recognizing the need to improve and harmonize further the working methods of the human rights treaty bodies, the inter-committee meeting considered it appropriate that it convene twice annually, with the participation of the chairpersons of the human rights treaty bodies, who were ex officio members for that purpose. The inter-committee meeting would, inter alia, make recommendations for the improvement and harmonization of working methods of the human rights treaty bodies. As usual, all recommendations of the inter-committee meeting should be adopted in consultation and with the approval of all the human rights treaty bodies.

Consultation on proposals for reform of the United Nations human rights framework

(iii) The sixth inter-committee meeting noted with appreciation that the Secretariat had compiled a report containing a wide range of views relating to the reform of the treaty body system expressed by treaty bodies, States parties, United Nations entities, non-governmental organizations, national human rights institutions and other stakeholders. It requested the Secretariat to keep this document updated and make it available through the website of the Office of the United Nations High Commissioner for Human Rights.

(iv) The sixth inter-committee meeting recommended that the Secretariat should continue to organize, in appropriate forums, consultations among the treaty bodies, States parties, the Office of the United Nations High Commissioner for Human Rights, United Nations entities, non-governmental organizations, national human rights institutions and other stakeholders to discuss all proposals in the context of treaty body reform.

Reservations

(v) The sixth inter-committee meeting welcomed the report of the working group on reservations (HRI/MC/2007/5 and Add.1). It endorsed the recommendations formulated by the working group (HRI/MC/2007/5, para. 16) and recommended that the working group should be maintained and meet if required.

Revised harmonized reporting guidelines

(vi) The sixth inter-committee meeting requested that the Secretariat send a note verbale to all the Permanent Missions to the United Nations Office at Geneva recommending that the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, contained in document HRI/GEN/2/Rev.4 should be used by States parties when submitting a report to any human rights treaty body. Briefings with States parties to further disseminate those guidelines and clarify issues related to their implementation should also be organized by the Secretariat.

Liaison with specialized agencies and United Nations funds and programmes

(vii) The sixth inter-committee meeting reiterated its recommendation that the Secretariat should organize a meeting in 2008 with representatives of the Office of the United Nations High Commissioner for Human Rights, United Nations specialized agencies, funds and programmes and treaty body members to further discuss modalities for enhanced cooperation and interaction with regard to treaty reporting and follow-up processes.

(viii) The sixth inter-committee meeting reiterated previous recommendations that all treaty bodies should establish a mechanism of rapporteurs or focal points to enhance cooperation and facilitate more effective interaction on country-specific and thematic issues and follow up with the United Nations specialized agencies.

Participation of non-governmental organizations

(ix) The sixth inter-committee meeting reiterated previous recommendations that NGOs should send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account and to continue to disseminate the conclusions of the treaty bodies and report on their implementation. To that end, the Secretariat was encouraged to establish a user-friendly master calendar that would provide information well in advance on the timetable for all the treaty bodies and for contributions relating to lists of issues and shadow reports for country reviews.

(x) The sixth inter-committee meeting reiterated the recommendation of the two previous inter-committee meetings regarding the modalities of NGO participation in the monitoring activities of treaty bodies and recommended that the issue should be placed on the agenda of the seventh inter-committee meeting. The Secretariat was encouraged to widely disseminate the OHCHR handbook for NGOs and to develop an easily accessible treaty body extranet site where NGO contributions could be posted continuously.

(xi) The sixth inter-committee meeting noted the need for broader NGO representation, including better geographical representation, both in the inter-committee meeting and more generally in the treaty body system. The Secretariat was invited to facilitate the participation of national NGOs

from developing countries and to explore alternative means of facilitating such participation, including the possibility of video conferences.

National human rights institutions

(xii) The sixth inter-committee meeting recommended that the conclusions of the round table on the role of national human rights institutions in the treaty reporting process, held in Berlin, in November 2006, should form a basis for the discussion on the matter in future harmonization meetings of the treaty bodies.

(xiii) The sixth inter-committee meeting reiterated its previous recommendations that treaty bodies should continue their engagement with national human rights institutions that conform with the Paris Principles (General Assembly resolution 48/134, annex). In addition, it encouraged further dialogue with the bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to enhance and strengthen the interaction between national human rights institutions and treaty bodies.

Human Rights Council

(xiv) The sixth inter-committee meeting took note of resolution 5/1 on institution-building of the Human Rights Council and reiterated its view that the concluding observations should form part of the basis of the universal periodic review.

Ratification of the core international human rights treaties

(xv) The sixth inter-committee meeting recommended that all the treaty bodies should actively promote ratification of the other core international human rights treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, in their constructive dialogue with States parties and in their concluding observations.

Statistical information relating to human rights

(xvi) The sixth inter-committee meeting welcomed the report on the follow-up to the recommendations of the fifth inter-committee meeting regarding the work on statistical information for use by the treaty bodies (A/61/385, annex, para. 55). It encouraged the Secretariat to take that work forward and continue the validation of the indicators, and looked forward to the report on those activities to the seventh inter-committee meeting, in 2008. Furthermore, it requested the Secretariat to brief each of the treaty bodies on the progress of that work prior to the next inter-committee meeting.